

ASSEMBLY BILL

No. 1013

Introduced by Assembly Member Quirk

February 26, 2015

An act to amend Sections 25402.1 and 25942 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1013, as introduced, Quirk. Energy: public domain computer program: home energy rating.

(1) Existing law requires the State Energy Resources Conservation and Development Commission to prescribe, by regulation, lighting, insulation climate control system, and other building design and construction standards that increase the efficiency in the use of energy and water for new residential and new nonresidential buildings. Existing law also requires the commission to prescribe, by regulation, energy and water conservation design standards for new residential and new nonresidential buildings. In order to implement these requirements, existing law requires the commission to develop a public domain computer program that enables contractors, builders, architects, engineers, and government officials to estimate energy consumed by residential and nonresidential buildings.

This bill would require the commission to approve and make publicly available, not less than 6 months prior to the effective date of adopted or updated efficiency standards, a version of the public domain computer program that will function properly with these adopted or updated standards. The bill would require the commission, before approving the public domain computer program for use with adopted or updated standards, to perform preliminary tests of the public domain computer

program using common examples of residential and nonresidential buildings and building systems to ensure the usability of the program. The bill would require the commission to make the results of those preliminary tests publicly available.

(2) Existing law requires the commission to establish criteria for adopting a statewide home energy rating program for residential dwellings.

For existing single-family residential dwellings and multifamily residential dwellings with up to 4 units, this bill would require the commission, in administering the statewide home energy rating program, to ensure that energy assessment tools used by the commission are routinely adjusted to improve modeling accuracy and to ensure that consumers receive a notice with the output of the energy assessment tools explaining the assumptions used in the energy assessment tools and how they may differ from actual usage patterns.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25402.1 of the Public Resources Code
- 2 is amended to read:
- 3 25402.1. In order to implement the requirements of subdivisions
- 4 (a) and (b) of Section 25402, ~~the commission shall do~~ all of the
- 5 ~~following:~~ *following shall apply:*
- 6 (a) ~~Develop~~ *The commission shall develop* a public domain
- 7 computer program ~~which~~ *that* will enable contractors, builders,
- 8 architects, engineers, and government officials to estimate the
- 9 energy consumed by residential and nonresidential buildings. The
- 10 commission may charge a fee for the use of the program, which
- 11 fee shall be based upon the actual cost of the program, including
- 12 any computer costs.
- 13 (b) ~~Establish~~ *The commission shall establish* a formal process
- 14 for certification of compliance options for new products, materials,
- 15 and calculation methods ~~which~~ *that* provides for adequate technical
- 16 and public review to ensure accurate, equitable, and timely
- 17 evaluation of certification applications. Proponents filing
- 18 applications for new products, materials, and calculation methods
- 19 shall provide all information needed to evaluate the application
- 20 that is required by the commission. The commission shall publish

1 annually the results of its certification decisions and instructions
2 to users and local building officials concerning requirements for
3 showing compliance with the building standards for new products,
4 materials, or calculation methods. The commission may charge
5 and collect a reasonable fee from applicants to cover the costs
6 under this subdivision. Any funds received by the commission for
7 purposes of this subdivision shall be deposited in the Energy
8 Resources Programs Account and, notwithstanding Section 13340
9 of the Government Code, are continuously appropriated to the
10 commission for the purposes of this subdivision. Any
11 unencumbered portion of funds collected as a fee for an application
12 remaining in the Energy Resources Programs Account after
13 completion of the certification process for that application shall
14 be returned to the applicant within a reasonable period of time.

15 (c) ~~Include~~ *The commission shall include* a prescriptive method
16 of complying with the standards, including design aids such as a
17 manual, sample calculations, and model structural designs.

18 (d) ~~Conduct~~ *The commission shall conduct* a pilot project of
19 field testing of actual residential buildings to calibrate and identify
20 potential needed changes in the modeling assumptions to increase
21 the accuracy of the public domain computer program specified in
22 subdivision (a) and to evaluate the impacts of the standards,
23 including, but not limited to, the energy savings, ~~cost-effectiveness,~~
24 *cost-effectiveness*, and the effects on indoor air quality. The pilot
25 project shall be conducted pursuant to a contract entered into by
26 the commission. The commission shall consult with the participants
27 designated pursuant to Section 9202 of the Public Utilities ~~Code~~
28 *Code, as that section read on December 31, 2003*, to seek funding
29 and support for field monitoring in each public utility service
30 territory, with the University of California to take advantage of its
31 extensive building monitoring expertise, and with the California
32 Building Industry Association to coordinate the involvement of
33 builders and developers throughout the state. The pilot project
34 shall include periodic public workshops to develop plans and
35 review progress. The commission shall prepare and submit a report
36 to the Legislature on progress and initial findings not later than
37 December 31, 1988, and a final report on the results of the pilot
38 project on residential buildings not later than June 30, 1990. The
39 report shall include recommendations regarding the need and
40 feasibility of conducting further monitoring of actual residential

1 and nonresidential buildings. The report shall also identify any
2 revisions to the public domain computer program and energy
3 conservation standards if the pilot project determines that revisions
4 are appropriate.

5 (e) ~~Certify,~~ *The commission shall certify,* not later than 180 days
6 after approval of the standards by the State Building Standards
7 Commission, an energy conservation manual for use by designers,
8 builders, and contractors of residential and nonresidential buildings.
9 The manual shall be furnished upon request at a price sufficient
10 to cover the costs of production and shall be distributed at no cost
11 to all affected local agencies. The manual shall contain, but not be
12 limited to, the following:

13 (1) The standards for energy conservation established by the
14 commission.

15 (2) Forms, charts, tables, and other data to assist designers and
16 builders in meeting the standards.

17 (3) Design suggestions for meeting or exceeding the standards.

18 (4) Any other information which the commission finds will
19 assist persons in conforming to the standards.

20 (5) Instructions for use of the computer program for calculating
21 energy consumption in residential and nonresidential buildings.

22 (6) The prescriptive method for use as an alternative to the
23 computer program.

24 (f) *The commission shall approve and make publicly available,*
25 *not less than six months prior to the effective date of adopted or*
26 *updated standards, a version of the public domain computer*
27 *program developed pursuant to subdivision (a) that will function*
28 *properly with those adopted on updated standards. Before*
29 *approving the public domain computer program for use with*
30 *adopted or updated standards, the commission shall do both of*
31 *the following:*

32 (1) *Perform preliminary tests of the public domain computer*
33 *program using common examples of residential and nonresidential*
34 *buildings and building systems to ensure the usability of the public*
35 *domain computer program by users of the program, including, but*
36 *not limited to, architects, builders, contractors, and local code*
37 *enforcement personnel.*

38 (2) *Make the results of the preliminary tests publicly available.*

39 (f)

(g) The commission shall establish a continuing program of technical assistance to local building departments in the enforcement of subdivisions (a) and (b) of Section 25402 and this section. The program shall include the training of local officials in building technology and enforcement procedures related to energy conservation, and the development of complementary training programs conducted by local governments, educational institutions, and other public or private entities. The technical assistance program shall include the preparation and publication of forms and procedures for local building departments in performing the review of building plans and specifications. The commission shall provide, on a contract basis, a review of building plans and specifications submitted by a local building department, and shall adopt a schedule of fees sufficient to repay the cost of those services.

~~(g)~~

(h) Subdivisions (a) and (b) of Section 25402 and this section, and the rules and regulations of the commission adopted pursuant ~~thereto~~, *to those provisions*, shall be enforced by the building department of every city, county, or city and county.

(1) ~~No~~ A building permit for ~~any~~ a residential or nonresidential building shall *not* be issued by a local building department, unless a review by the building department of the plans for the proposed residential or nonresidential building contains detailed energy system specifications and confirms that the building satisfies the minimum standards established pursuant to subdivision (a) or (b) of Section 25402 and this section applicable to the building.

(2) Where there is no local building department, the commission shall enforce subdivisions (a) and (b) of Section 25402 and this section.

(3) If a local building department fails to enforce subdivisions (a) and (b) of Section 25402 and this section or any other provision of this chapter or standard adopted pursuant thereto, the commission may provide enforcement after furnishing 10 days' written notice to the local building department.

(4) A city, county, or city and county may, by ordinance or resolution, prescribe a schedule of fees sufficient to pay the costs incurred in the enforcement of subdivisions (a) and (b) of Section 25402 and this section. The commission may establish a schedule of fees sufficient to pay the costs incurred by that enforcement.

1 (5) ~~No~~*The* construction of ~~any~~ *a* state building shall *not*
2 commence until the Department of General Services or the state
3 agency that otherwise has jurisdiction over the property reviews
4 the plans for the proposed building and certifies that the plans
5 satisfy the minimum standards established pursuant to ~~subdivision~~
6 ~~(a) or (b)~~ of Chapter 2.8 (commencing with Section 15814.30) of
7 Part 10b of Division 3 of Title 2 of the Government Code,
8 *subdivision (a) or (b) of* Section 25402, and this section ~~which that~~
9 are applicable to the building.

10 ~~(h)~~
11 (i) Subdivisions (a) and (b) of Section 25402 and this section
12 shall apply only to new residential and nonresidential buildings
13 on which actual site preparation and construction have not
14 commenced prior to the effective date of rules and regulations
15 adopted pursuant to those ~~sections~~ *provisions* that are applicable
16 to those buildings. ~~Nothing in those~~ *Those* sections shall *not*
17 prohibit either of the following:

18 (1) The enforcement of state or local energy conservation or
19 energy insulation standards, adopted prior to the effective date of
20 rules and regulations adopted pursuant to subdivisions (a) and (b)
21 of Section 25402 and this section with regard to residential and
22 nonresidential buildings on which actual site preparation and
23 construction have commenced prior to that date.

24 (2) The enforcement of city or county energy conservation or
25 energy insulation standards, whenever adopted, with regard to
26 residential and nonresidential buildings on which actual site
27 preparation and construction have not commenced prior to the
28 effective date of rules and regulations adopted pursuant to
29 subdivisions (a) and (b) of Section 25402 and this section, if the
30 city or county files the basis of its determination that the standards
31 are cost effective with the commission and the commission finds
32 that the standards will require the diminution of energy
33 consumption levels permitted by the rules and regulations adopted
34 pursuant to those sections. If, after two or more years after the
35 filing with the commission of the determination that those standards
36 are cost effective, there has been a substantial change in the factual
37 circumstances affecting the determination, upon application by
38 any interested party, the city or county shall update and file a new
39 basis of its determination that the standards are cost effective. The
40 determination that the standards are cost effective shall be adopted

1 by the governing body of the city or county at a public meeting.
2 If, at the meeting on the matter, the governing body determines
3 that the standards are no longer cost effective, the standards shall,
4 as of that date, be unenforceable and no building permit or other
5 entitlement shall be denied based on the noncompliance with the
6 standards.

7 ~~(i)~~

8 (j) The commission may exempt from the requirements of this
9 section and of any regulations adopted pursuant ~~thereto~~ *to this*
10 *section* any proposed building for which compliance would be
11 impossible without substantial delays and increases in cost of
12 construction, if the commission finds that substantial funds have
13 been expended in good faith on planning, designing, ~~architecture~~
14 *architecture*, or engineering prior to the date of adoption of the
15 regulations.

16 ~~(j)~~

17 (k) If a dispute arises between an applicant for a building permit,
18 or the state pursuant to paragraph (5) of subdivision ~~(g)~~, (h), and
19 the building department regarding interpretation of Section 25402
20 or the regulations adopted pursuant thereto, either party may submit
21 the dispute to the commission for resolution. The commission's
22 determination of the matter shall be binding on the parties.

23 ~~(k)~~

24 (l) Nothing in Section 25130, 25131, or 25402, or in this section
25 prevents enforcement of any regulation adopted pursuant to this
26 chapter, or Chapter 11.5 (commencing with Section 19878) of Part
27 3 of Division 13 of the Health and Safety Code as they existed
28 prior to September 16, 1977.

29 SEC. 2. Section 25942 of the Public Resources Code is
30 amended to read:

31 25942. (a) ~~On or before July 1, 1995, the~~ *The* commission
32 shall establish criteria for adopting a statewide home energy rating
33 program for residential dwellings. The program criteria shall
34 include, but are not limited to, all of the following elements:

35 (1) Consistent, accurate, and uniform ratings based on a single
36 statewide rating scale.

37 (2) Reasonable estimates of potential utility bill savings, and
38 reliable recommendations on cost-effective measures to improve
39 energy efficiency.

1 (3) Training and certification procedures for home raters and
2 quality assurance procedures to promote accurate ratings and to
3 protect consumers.

4 (4) In coordination with home energy rating service organization
5 ~~data bases, databases,~~ procedures to establish a centralized,
6 publicly accessible, ~~data base database~~ that includes a uniform
7 reporting system for information on residential dwellings,
8 excluding proprietary information, needed to facilitate the program.
9 There shall be no public access to information in the ~~data base~~
10 ~~database~~ concerning specific dwellings without the owner's or
11 occupant's permission.

12 (5) Labeling procedures that will meet the needs of home buyers,
13 homeowners, renters, the real estate industry, and mortgage lenders
14 with an interest in home energy ratings.

15 (b) The commission shall adopt the program pursuant to
16 subdivision (a) in consultation with representatives of the
17 ~~Department Bureau~~ of Real Estate, the Department of Housing
18 and Community Development, the Public Utilities Commission,
19 investor-owned and municipal utilities, cities and counties, real
20 estate licensees, home builders, mortgage lenders, home appraisers
21 and inspectors, home energy rating organizations, contractors who
22 provide home energy services, consumer groups, and
23 environmental groups.

24 (c) ~~On and after January 1, 1996, no~~ Home energy rating services
25 ~~may shall not~~ be performed in this state unless the services have
26 been certified, if such a certification program is available, by the
27 commission to be in compliance with the program criteria specified
28 in subdivision (a) and, in addition, are in conformity with any other
29 applicable element of the program.

30 (d) ~~On or before July 1, 1996, the~~ The commission shall consult
31 with the agencies and organizations described in subdivision (b),
32 to facilitate a public information program to inform homeowners,
33 rental property owners, renters, sellers, and others of the existence
34 of the statewide home energy rating program adopted by the
35 commission.

36 (e) ~~Beginning with the 1998 biennial energy conservation report~~
37 ~~required by Section 25401.1, the~~ The commission shall, as part of
38 ~~that the~~ biennial report, report prepared pursuant to Section 25302,
39 report on the progress made to implement a statewide home energy
40 rating program. The report shall include an evaluation of the energy

1 savings attributable to the program, and a recommendation
2 concerning which means and methods will be most efficient and
3 cost-effective to induce home energy ratings for residential
4 dwellings.

5 *(f) For existing single-family residential dwellings and*
6 *multifamily residential dwellings with up to four units, the*
7 *commission shall do both of the following in administering the*
8 *statewide home energy rating program:*

9 *(1) Ensure energy assessment tools used by the commission are*
10 *routinely adjusted to improve modeling accuracy.*

11 *(2) Ensure that consumers receive a notice with the output of*
12 *the energy assessment tools explaining the assumptions used in*
13 *the energy assessment tools and how they may differ from actual*
14 *usage patterns.*